Remarks:

Applicants (hereinafter, Applicant) hereby request reconsideration of the application.

Claims 1-12 are now in the application.

In item 1 on page 2 of the Office action, claims 1-11 have been rejected as being fully anticipated by Darby et al. (U.S. Pat. No. 5,835,873) (hereinafter, "Darby") under 35 U.S.C. § 102.

In item 2 on page 3 of the Office action, claim 12 has been rejected as being obvious over Darby under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the reference.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia, a device for sensing an object or a person in an interior of a vehicle, comprising:

a memory;

a control device for a vehicle occupant protection means, said control device outputting a control command; and

a control unit connected to said memory for storing data in said memory upon receiving a corresponding control command from said control device, said control unit causing an impact code received via an interface to be stored in said memory.

Accordingly, the *present invention* is directed to a device including a sensor for sensing objects or persons in a vehicle. The data of the sensor signal or evaluated sensor data are transmitted to a remote control unit for an occupant protection system. The sensor data are stored in the device if the control unit indicates that an impact has been recognized.

The Darby reference discloses a vehicle safety system having various safety device controllers. The vehicle safety system protects vehicle occupants in the event of a vehicle crash. The system is capable of controlling safety devices such as airbag assemblies, "seat belt tensioner" assemblies, fuel cutoff switch assemblies, battery disconnect switch assemblies, assemblies for sending notification to emergency services, and assemblies for sending vehicle location data.

The system accepts data from other vehicle systems (such as speed data from the antilock brake system to distinguish between a low speed and a high speed crash, seat occupancy data to selectively activate airbags, and steering system and acceleration data to detect vehicle rollover conditions). The system provides for fault detection and notification to the vehicle operator.

Further, Darby also provides for immunity from electromagnetic interference by using distributed controllers that communicate with a central electronic control unit over a digital communication bus using coded commands and data. Each controller has the capability of performing self-tests and communicating the results to the central electronic control unit.

Accordingly, Darby teaches a vehicle safety system (100) with an electronic control unit (300) including communication means (320), external data interface means (330), diagnostic port interface means (350), an acceleration sensor device (340), memory means (360), and control means (310).

Such a system (100) suggests that a memory (360) is connected to the ECU (310) for control and data interchange. The ECU memory (360) contains means for storing vehicle crash parameters, passenger configuration parameters, data from the ECU acceleration sensor (340), system integrity data and fault warning messages from the electronic control unit ECU (300) and the safety device controllers (200), vehicle crash algorithms, and safety device activation logic. See col. 11, lines 27-35.

Thus, Darby teaches how to build a vehicle safety system that provides a high degree of reliability. See col. 1, lines 63-64. However, Darby does not teach or suggest storing an impact code (or sensor data derived therefrom) in a memory in the event of an accident.

Accordingly, Darby does not teach a memory containing an impact code, in contrast to the *present invention*.

However, in the *present invention*, a decision as to trigger (or not to trigger) a vehicle occupant protection device can be checked retroactively in the event of an impact. In this way, evidence of the functional capability of the vehicle occupant protection device can be provided. The data (which influence the decision to trigger) are available in a stored form for reconstructing the "decision to trigger".

The storage of sensor data for sensing an object or a person, and the additional storage of sensor data of the impact sensing device (i.e., impact code) permit a complete check of the "decision to trigger". See page 10, lines 6-16 of the specification of the instant application.

Moreover, an additional object of the *present invention* is to store the sensor data (relating to persons and objects) in a memory, which is assigned to the device (1), for sensing objects or persons. However, the sensor data (relating to persons and objects) are not stored in a memory of the vehicle occupant control device. See page 11, lines 4-7 of the specification of the instant application.

As a result (of storing the sensor data directly in the object-sensing device as independent electrical equipment with the sensor (11)), a separate independent control unit, a memory, a power supply and an interface (which are necessary for documenting the decision to trigger) can be avoided; and the expenditure (of memory space and computing power, which need to be included in the central control device) can be reduced.

The data transmission rate between the object sensing device and the control device is also reduced, since sensor-data

transmission (which may be necessary only for storing the data in the central control device) is avoided by the object-sensing device. See page 11, line 26 to page 12, line 10 of the specification of the instant application.

The reference numerals corresponding to the above-features are presented solely for illustrative purposes. They are not intended to narrow the scope of the claims for any reason whatsoever.

Clearly, the reference does not show "a memory; a control device for a vehicle occupant protection means, said control device outputting a control command; and *a control unit connected to said memory for storing data in said memory upon receiving a corresponding control command from said control device, said control unit causing an impact code received via an interface to be stored in said memory*", as recited in claim 1 of the instant application (emphasis added). Claims 5 and 9 recite similar limitations.

In other words, the features including the limitations "a memory; a control device for a vehicle occupant protection means, said control device outputting a control command; and *a control unit connected to said memory for storing data in said memory upon receiving a corresponding control command from said control device, said control unit causing an impact code*

received via an interface to be stored in said memory", as recited in claim 1, attain the present invention's objectives and are not taught or suggested by the reference, whether taken alone or in any combination (emphasis added).

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 5 and 9. Claims 5 and 9 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1, 5 or 9, they are believed to be patentable as well.

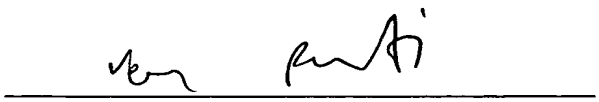
In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, the Examiner is respectfully requested to telephone counsel so that, if possible, patentable language can be worked out.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and

Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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